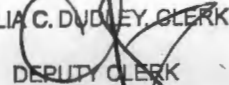


For Clerk's Office Use

Judge	Rec'd
U	

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

AUG 10 2020

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERKIN THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT  
OF VIRGINIA

For use by inmates filing a complaint under CIVIL RIGHTS ACT, 42 U.S.C. §1983

Melissa Faye Atkins  
Plaintiff full name1070682  
Inmate No.

v.

CIVIL ACTION NO. 720cv00141R. Bolden, Office Service Specialist  
Defendant(s) full name(s)Eric Attridge, Warden & J. Kendrick, mailroom clerk

\*\*\*\*\*

A. Current facility and address: Fluvanna Correctional Center for WomenPO Box 1000 Troy, Va 22974-1000B. Where did this action take place? Fluvanna Correctional Center

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

       Yes   X   No

If your answer to A is Yes, answer the following:

1. Court: \_\_\_\_\_

2. Case Number: \_\_\_\_\_

D. Have you filed any grievances regarding the facts of this complaint?

  X   Yes        No

1. If your answer is Yes, indicate the result:

It was founded because policy was violated, yet I received no resolution, I missed opportunity & a deadline that can not be recovered due to FCCW's failure to issue my legal mail in a timely manner. This opportunity involved free assistance from a legal firm regarding my early release, with a deadline of the 25th past the date I received it. Due to FCCW's actions, I endured irreparable damage.

2. If your answer is No, indicate why:

- Continued -

Claim #1

from court. That same night I received my legal mail that was received at F.C.C.W. on 5/16/18 and held with no attempts being made to issue it to me. except on the initial date it was received. This violates IOP803.1 as well as it blatantly violates my constitutional right of access to the court (Lewis v. Casey)

claim #2

My regular mail was not interrupted so why did it take two weeks to receive my time-sensitive legal mail? This caused me to miss a filing deadline that can not be recovered. I suffered because of the incompetence of FCCW's staff and Warden Aldridge applied an administrative remedy by addressing mailroom staff and "implementing a new procedure to prevent this type of issue in the future" does absolutely nothing to rectify my personal loss incurred by FCCW's failure. I should not have to suffer because of staff's incompetence. I was not at court and there is no reason it should have taken that long to receive my legal mail. IF not for mailroom clerk J. Kendrick's taking the initiative to investigate I may have never received my legal mail.

- E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

I went on transportation on 5/16/18, returning the same day at 7pm, at that time I gave the #1 in the control bubble my trip pass and was issued my mail. It was not until 5/31/18 that Lt. [unclear] informed me that J. Hendricks mailroom clerk had called to ask if I had returned  
- Cont -

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

O.S.S. Biden tried to then place blame on me for not notifying mailroom of my transport- #1. I didn't know I would receive legal mail on that date nor #2 why would I write on TMS advising of my return when I left & returned the same day? - continued -

- F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

Money damages in the amount of \$175,000.00 Injunctive Relief - deliver legal mail immediately with justification for late delivery

- G. If this case goes to trial do you request a trial by jury? Yes \_\_\_\_\_ No X

- H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: 7/29/2020

SIGNATURE: Melissa Faye Atkins

VERIFICATION:

I, Melissa Faye Atkins, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: 7/29/2020

SIGNATURE: Melissa Faye Atkins



GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
06 AUG 2020 PM 2 L



United States District Court  
Western District of Virginia  
Office of the Clerk  
210 Franklin Road, Suite 540  
Roanoke, Va 24011-2208

24011-220840



Mailed 8/10/20  
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